S.B. CIVIL WRIT PETITION NO.394/1993

04.07.2006

HON'BLE MR. JUSTICE DALIP SINGH

None present for the petitioners.
Shri Bharat Saini for the respondents.

The matter was listed before the court for hearing earlier on 6.11.2005 and the learned counsel for the petitioner sought time to verify whether the petitioners are still alive or not?. Thereafter the matter was listed yesterday i.e. 3.7.2006 but none appears for the petitioners though learned counsel for the respondents No. 3 to 9 had put inappearance. the case was therefore adjourned for today but none has appeared on behalf of the petitioners even today.

Learned counsel for the respondent submits that as mentioned in para 7 of the writ petition the sons of deceased Suraj Bux Singhji, Kalyan Singhji, Bhagirath Singhji and the petitioner Laxman Singhji were also issued notice by the Khudkast Commissioner that the allotment of khudkast land to these persons was contrary to the provisions of Section 2 (g) of Rajasthan Land Reforms and Resumption of Jagirs Act, 1952. He submits that out of these persons Bhagirath Singh, Kalyan Singh approached this court at the principal seat at Jodhpur and in the judgment in S.B.Civil Writ Petition No.18/1992 decided on 15.2.2006 the writ petition was allowed and the order dated 1.4.1992 passed by the Khudkast Commissioner was set aside. It is submitted that in the case of Guman Singh also the notice which was issued has been set aside. In this case in the present writ petition the order dated 1.4.1992 is under challenge on identical ground and may bne quashed as the respondents No. 3 to 9 are Purchasers of the land from the petitioner. Since none has appeared on behalf of the petitioners this writ petition is dismissed for non prosecution.In case the non-petitioners have any grievance they are free to seek their own remedy under the law.

(DALIP SINGH),J.

Ramchandrkhatri,ps